

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI - WESTERN DIVISION

STEVE WILDMAN AND JON)
BORCHERDING, INDIVIDUALLY AND)
AS REPRESENTATIVES OF A CLASS)
OF SIMILARLY SITUATED PERSONS,)
AND ON BEHALF OF THE AMERICAN)
CENTURY RETIREMENT PLAN,)
)
Plaintiffs,) CASE NO. 16-CV-737
v.)
)
AMERICAN CENTURY SERVICES, LLC,)
THE AMERICAN CENTURY)
RETIREMENT PLAN RETIREMENT)
COMMITTEE, AMERICAN CENTURY)
INVESTMENT MANAGEMENT, INC.,)
AMERICAN CENTURY COMPANIES,)
INC., CHRISTOPHER BOUFFARD,)
BRADLEY C. CLOVERDYKE,)
JOHN A. LEIS, TINA S. USSERY-)
FRANKLIN, MARGARET E. VAN)
WAGONER, GUDRUN S. NEUMANN,)
JULIE A. SMITH, MARGIE A.)
MORRISON, AND JOHN DOES 1-20,)
)
Defendants.)

DEFENDANTS' MOTION TO DISMISS THE FIRST AMENDED COMPLAINT

Defendants American Century Services, LLC, the American Century Retirement Plan Retirement Committee, American Century Investment Management, Inc., American Century Companies, Inc., Christopher Bouffard, Bradley C. Cloverdyke, John A. Leis, Tina S. Ussery-Franklin, Margaret E. Van Wagoner, Gudrun S. Neumann, Julie A. Smith, Margie A. Morrison, Chat Cowherd, and Diane Gallagher (“Defendants”) respectfully move this Court for an Order dismissing Plaintiffs’ First Amended Complaint in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(6), as more fully set forth in the accompanying Suggestions in Support of Defendants’ Motion to Dismiss the First Amended Complaint, and granting such other and further relief as the Court deems just and proper.

There are several grounds for this motion. First, Plaintiffs’ claims are time-barred under the three-year state of limitations contained in the Employee Retirement Income Security Act of 1974, as amended. Second, the First Amended Complaint fails to state cognizable claims under Federal Rule of Civil Procedure 12(b)(6).

Dated: October 4, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 4th day of October, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following counsel of record:

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